



Carrier Corporation

P.O. Box 4808
Carrier Parkway
Syracuse, New York 13221
315 / 432-6000

VIA FACSIMILE

Site:	Carrier
Break:	
Other:	2/2/9

August 29, 1990

Ms. Beth Brown
Remedial Project Manager
United States Environmental Protection Agency
Region IV
345 Courtland Street
Atlanta, Georgia 30365

RE: Collierville Site, Collierville, Tennessee

Dear Ms. Brown

This is formal notice of a Force Majeure with respect to property access north of the Collierville Site, Collierville, Tennessee. This information was communicated by telephone to Mr. Harold Taylor of the Environmental Protection Agency on August 24, 1990.

As you are aware, Carrier Corporation requested a modification of the approved work plan for the Collierville Site on August 9, 1990. There has been a problem in obtaining landowner permission for a proposed monitoring well screened in the shallow aquifer to be located north of the Collierville Site. To expedite the investigatory process, we requested the agency's approval to move the well approximately fifty feet south from the proposed location so that it would be located on Carrier property approximately one hundred feet east of the City East Well. We have had no formal response from the agency.

As we had agreed, we have had further talks with the landowner immediately to the north, Mr. Norman Brown, Jr. After we suggested payment for access rights, Mr. Brown told us that payment for access is not at issue, he does not want to encumber the potential use of the property by granting us access rights.

We understand that in informal discussions between our technical consultant and your office you had agreed to the above requested change with the provision that if a well could be located in the shallow aquifer north of the site along Poplar Avenue it would be installed.



We immediately resumed discussions with the State of Tennessee for permission to install a well in the right of way along Poplar Avenue. This permission was received during the week of August 20. A copy of the permission letter is attached.

We immediately proceeded to drill a well in a location that representatives of the State of Tennessee had approved.

On August 23 as the well casing was being set and preparations for grouting the well were underway, the landowner of the property subject to the State's easement, Mr. A.D. Cartwright, Jr., approached our drilling and technical contractors and demanded that they remove the well and leave the property. The statements made by the landowner were of such a nature that our contractor reports that they felt they were in physical danger. They have reported to me that a firearm was mentioned by the landowner in the course of the demands. Although no firearm was displayed, the contractor was sufficiently threatened as to comply with the landowner's demands. Further, the contractor informs me that they will install no well on that person's property, even if ordered to do so.

As we discussed yesterday and you have discussed previously with EnSafe personnel, there has been a problem with the laboratory we have been using, Compuchem, being able to meet its scheduled turn around times or even meeting sample holding and extraction times. We immediately entered into a contract with another CLP laboratory, PACE. All further samples have been sent to PACE and all monitoring well samples previously sent to Compuchem were transferred to PACE. It was impossible, however, to transfer the soil samples previously sent to Compuchem. This will result in a delay in receiving the results of three to five weeks.

We had been attempting further negotiations with Compuchem to hurry these results but now feel that there is no possibility of securing results in sufficient time to include them in the Draft RI report unless the due date is similarly extended. Additionally, a delay will allow us to include results from the soil samples taken during the drilling of the above mentioned off-site well. Therefore we must request a delay of the Draft RI report due date to October 14, 1990 reserving the right to request additional delays based on laboratory performance.

We are proceeding with those activities we can accomplish without the delayed data and therefore hope to be able to meet the above date. We will keep you informed of our and the laboratory's progress.

Ms. Beth Brown

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August 29, 1990

Based on the foregoing, we must declare a Force Majeure under sections VII(G) and XIV of the Administrative Order for the Collierville Site.

We propose that your request for an additional well north of the Site be withdrawn and that the field tasks be declared to be complete at this time. Additionally we propose that the due date for the draft RI report be changed tentatively to October 14, 1990.

Please give this matter your expedited consideration and call me at (315)432-3785 or fax me at (315)432-3344 with your reply at your earliest convenience.

Very truly yours.



Jess R. Walrath, Jr.
Manager, Environmental Assurance

c: G. Bailey
C. Baschon
P. Coop
A. Kanerviko
C. Krull
R. Randle
P. Stoddard